

## **UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

1625 South 900 West • PO Box 30408 • Salt Lake City, UT 84130-0408 • (801) 977-6800 • FAX (801) 977-6888

[www.abc.utah.gov](http://www.abc.utah.gov)

### **“TEMPORARY SPECIAL EVENT BEER PERMIT”**

*(FOR SPECIAL EVENTS THAT DO NOT LAST LONGER THAN 30 DAYS)*

### **APPLICATION CHECKLIST**

The items below must be completed and submitted by the **10<sup>th</sup> of the month** before any action may be taken by the Alcoholic Beverage Control Commission. The Commission meets monthly. Call the Licensing & Compliance Division at 977-6800 for the date of the next Commission meeting.

1. \_\_\_ Application (form enclosed).
2. \_\_\_ Local consent (or local permit) from either city/town council if the event is to be held in an incorporated area, or county commission if in an unincorporated area.
3. \_\_\_ Copy of local beer permit. If not required by local authority, obtain written consent from either city/town council or county commission to sell beer at the event (form enclosed).
4. \_\_\_ \$500 cash or corporate surety bond (form enclosed). If the bond is in the form of a check, it must be left on deposit with the department until 30 days after the event. If the check is issued by other than the applicant or organization, the attached third party liability agreement form must also be completed.
5. \_\_\_ Scaled floor plan (8-1/2" x 11") of the event premises, highlighting areas for storage, sale and consumption of beer.
6. \_\_\_ \$75 permit fee (refundable if permit is not granted). Make check payable to the Department of Alcoholic Beverage Control.

Enclosed are copies of the Utah Code and Commission Rules pertaining to temporary beer special events. If you have any questions please contact our Licensing and Compliance Division at (801) 977-6800.

**UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**  
**APPLICATION FOR**  
**“TEMPORARY SPECIAL EVENT BEER PERMIT”**

1. Name of person/organization: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Phone number: \_\_\_\_\_ Fax: \_\_\_\_\_ Person to contact: \_\_\_\_\_
4. Name of event: \_\_\_\_\_
5. Purpose of event: \_\_\_\_\_
6. Date(s) and hours of event: \_\_\_\_\_
7. Name of location of event: \_\_\_\_\_
8. Address of event: \_\_\_\_\_  
Street City Zip
9. Admission charge: \_\_\_\_\_ and/or Drink prices: [ ] Included [ ] Beer \$ \_\_\_\_\_  
Total Attendance \_\_\_\_\_ Attendance per day if multi-day event: \_\_\_\_\_
10. List any private or public schools, churches, public libraries, public playgrounds or parks located within 600' of the premises of the event:

Property	Address	Measured Distance
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**11.** Is this event a “large scale public event” where the attendance is estimated to be in excess of 1000 people **OR** an outdoor event (any size) that is open to the public?

☐ NO (if “no”, skip to question #12) ☐ YES

If “yes” the following control measures are required:

- a. A separate location at the event where those wanting to purchase beer must show proof of age and either have their hand stamped or be issued a non-transferable wristband.
- b. The proof of age location(s) must be separate from the beer sales and dispensing location(s).
- c. Any person assigned to check proof of age shall have completed the alcohol server-training seminar outlined in Utah Code 62A-15-401.
- d. Beer sales and dispensing location(s) shall be separate from food and non-alcoholic beverage concession locations. However, if the consumption of beer at the event is limited to a confined, restricted area *within the event* (such as a "beer garden"), then beer, food and non-alcoholic beverages may be sold at the same sales locations within the confined, restricted area.
- e. Beer beverages shall be served in readily identifiable cups or containers distinct from those used for non-alcoholic beverages.
- f. No more than two beers shall be sold to a customer at a time.
- g. At least one person who has completed the alcohol server training seminar outlined in Utah Code 62A-15-401 shall be at each location where beer is sold and dispensed to supervise the sale and dispensing of beer.
- h. If minors may attend the event, all dispensing and consumption of beer shall be in a designated, confined, and restricted area where minors are not allowed without being accompanied by a parent or guardian, and where beer consumption may be closely monitored.

To request a waiver of any of the above control measures:

- Indicate the control measure(s) for which you are requesting a waiver: \_\_\_\_\_
- Please provide a written request and a reason as to why the commission should consider relaxing any of those requirements. List below any additional control measures as may be required in R81-7-2(4)(c) and (5) that will be taken at the event to reduce the possibility of minors being furnished beer and adults being over-served beer at the event (use a separate sheet of paper if necessary).

*Additional control measures can include but are not limited to the following:*

*(i) Defining the premises by way of perimeter fencing with controlled entry/exit points*

*(ii) Requiring a certain minimum number of law enforcement and/or security personnel at the event*

*(iii) Requiring that beer products be distinguishable in appearance from non-alcoholic beverages.*

☐ perimeter fencing, number of controlled entry/exit points: \_\_\_\_\_

☐ number and type of security personnel: \_\_\_\_\_

☐ other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- 12. Criminal History.** The law prohibits any person who has been convicted of a felony under any federal or state law or any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages from holding a temporary beer permit. The law also prohibits any person who has been convicted of any crime involving moral turpitude or, on two or more occasions within the last five years, has been convicted of driving under the influence of alcohol, any drug, or the combination of alcohol and any drug from holding a temporary beer permit. This proscription also applies to any officers, partners, managers, managing agents, directors, stockholders who hold at least 20% of the total issued and outstanding stock of an applicant corporation, members who own at least 20% of an applicant limited liability company and to any person employed to act in a supervisory or managerial capacity.

Please list *all* criminal offenses *other than minor traffic offenses* of which you or any of the above persons have ever been convicted: (also include any pending criminal charges). If none, the undersigned applicant attests that the above persons have not been convicted of any disqualifying criminal offense.

<u>NAME</u>	<u>CRIMINAL OFFENSE</u>	<u>DATE OF CONVICTION</u>
_____	_____	_____
_____	_____	_____

- 13.** The commission may not grant a temporary special event permit to an applicant that is a partnership, corporation, or limited liability company if any of the following is a minor: A partner or managing agent of the applicant partnership; a managing agent, officer, director, or stockholder who holds at least 20% of the total issued and outstanding stock of the applicant; or a manager or member who owns at least 20% of the applicant limited liability company.

The undersigned attests that no minor serves in any of the aforementioned capacities.

- 14.** Have you as an applicant, or any proprietor, partner, managing agent, director, officer, stockholder owning at least 20% corporation stock, or if a limited liability company, any member owning at least 20% of the company, had a state alcoholic beverage license, permit, or agency revoked within the last three years? \_\_\_\_\_ If so, please explain.

\_\_\_\_\_  
\_\_\_\_\_

- 15.** By signing below, the applicant attests that:

- The information contained in this application is true and correct;
- No minor is applying for the permit and that no minor is a partner or managing agent of the applicant partnership; a managing agent, officer, director, or stockholder who holds at least 20% of the total issued and outstanding stock of the applicant; or a manager or member who owns at least 20% of the applicant limited liability company;
- No gambling or any other violation of law or ordinance will be allowed on the premises serviced by the temporary special event beer permittee;
- The applicant does not and will not discriminate against persons on the basis of race, color, sex, religion, ancestry, or national origin at the event;
- He/she has read and will abide by the provisions of 32A-10-301-306 & 32A-14a, Utah Code, and all Rules of the Commission and directives of the Department of Alcoholic Beverage Control; and

understands that failure to adhere thereto or to no longer possess the qualifications of a temporary special event beer permittee may result in immediate suspension and/or revocation of the permit and forfeiture of the compliance bond;

- Consent is given that authorized representatives of the commission, department, or any law enforcement officers will have unrestricted right to enter the premises during the event; and
- That the person signing this application is authorized to act on behalf of the applicant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name/title

State of \_\_\_\_\_

County of \_\_\_\_\_

Subscribed & sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

SEAL:

**UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
“TEMPORARY SPECIAL EVENT BEER PERMIT”**

**LOCAL CONSENT**

Date: \_\_\_\_\_

Utah Department of Alcoholic Beverage Control  
Licensing & Compliance Section  
1625 South 900 West  
PO Box 30408  
Salt Lake City, Utah 84130-0408

\_\_\_\_\_(City) (Town) (County) hereby grants its consent to  
the issuance of a state temporary special event beer permit for \_\_\_\_\_,  
owned by \_\_\_\_\_ and located at \_\_\_\_\_  
\_\_\_\_\_ day(s) and hours of event \_\_\_\_\_  
pursuant to the provisions of 32A-10, Utah Code, for the purpose of the storage, sale, and consumption  
of beer on the premises of the event.

\_\_\_\_\_  
Authorized signature

\_\_\_\_\_  
Name/Title

**UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

1625 S 900 W • PO Box 30408 • Salt Lake City, UT 84130-0408 • Phone (801) 977-6800 • Fax (801) 977-6889

**“TEMPORARY SPECIAL EVENT BEER BOND”**

**BOND #** \_\_\_\_\_

**KNOW ALL PERSONS BY THESE PRESENTS:**

That **Principal**, \_\_\_\_\_, a temporary special event beer permittee, doing business as \_\_\_\_\_, and **Surety**, \_\_\_\_\_, a corporation organized and existing under the laws of the state of \_\_\_\_\_ and authorized to do business in Utah, are held and bound unto the Utah Department of Alcoholic Beverage Control in the sum of **\$500**, for which payment will be made, we hereby bind ourselves and our representatives, assigns, and successors firmly by these presents.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**THE CONDITION OF THIS OBLIGATION IS SUCH THAT:**

WHEREAS, the above principal has made application to the Utah Alcoholic Beverage Control Commission for a temporary special event beer permit pursuant to the provisions of 32A-10, Part 3, Utah Code.

NOW, THEREFORE, if said principal, its officers, agents and employees shall faithfully comply with the provisions of Title 32A, Utah Code, and the rules and directives of the Utah Alcoholic Beverage Control Commission and the Utah Department of Alcoholic Beverage Control, then this bond shall be void; but, if said principal, its officers, agents and employees fail to comply with the provisions of the laws, rules and directives or orders as the commission or department may issue, then this bond shall be in full force and effect and payable to the Utah Department of Alcoholic Beverage Control. This bond shall run for a continuing term effective \_\_\_\_\_ unless canceled by service of written notice upon the Utah Department of Alcoholic Beverage Control, which cancellation shall be effective 30 days after receipt of such notice; provided however, that no part of this bond shall be withdrawn or canceled while violations, legal actions or proceedings are pending against said permittee / principal.

\_\_\_\_\_  
**Surety**

\_\_\_\_\_  
**Principal / Licensee**

\_\_\_\_\_  
Attorney in fact

\_\_\_\_\_  
Authorized signature

*{ Corporate Seal }*

\_\_\_\_\_  
Name / Title

**STATUTORY AFFIDAVIT FOR CORPORATE SURETY**

STATE OF: \_\_\_\_\_

COUNTY OF: \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared before me, \_\_\_\_\_, who, being by me duly sworn, did say that he / she is the attorney in fact of \_\_\_\_\_, **Surety**, and that said instrument was signed in behalf of said surety by authority, and acknowledged to me that he / she as such attorney in fact executed the same.

\_\_\_\_\_  
**Notary Public Signature & Seal**

**Note:** *Corporate surety's own affidavit also acceptable*



**UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**  
**Temporary Special Event Beer \$500 BOND**  
**THIRD PARTY LIABILITY AGREEMENT**

The undersigned hereby consents to the use of this \$500 check for the purposes of a temporary special event beer permit compliance bond on behalf of:

Temporary special event permittee: \_\_\_\_\_

Name of event: \_\_\_\_\_

Date of Event: \_\_\_\_\_

Name on check: \_\_\_\_\_

Furthermore, it is understood that said \$500 must be left on deposit with the department for 30 days following said event, and that if said permit is rescinded, the \$500 may be forfeited.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Name

# UTAH DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

P.O. Box 30408 • Salt Lake City, UT 84130-0408 • Ph: 801-977-6800 • Fax: 801-977-6889  
website: [www.abc.utah.gov](http://www.abc.utah.gov)

## Temporary Special Event Beer Permit Summary

*Note: This is general information only and should not be considered conclusive.*

*For further detail, please consult Title 32A of the Utah Code and the Rules of the Commission.*

A temporary beer permit allows the sale of beer at retail for on-premise consumption at a temporary event that does not last longer than 30 days. Effective October 1, 2008, flavored malt beverages may not be stored or sold on the permitted premises.

### Duration and Number

- A single permit may authorize the sale of beer for a period not to exceed 30 days.
- The sale of beer under a series of permits issued to the same person may not exceed 90 days in any one calendar year.

### Qualifications

- No person who has been convicted of a felony; two or more convictions of driving under the influence of alcohol or drugs within the last five years; or any crime involving the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages, or involving moral turpitude may apply for or be granted a temporary beer permit.
- No permit will be issued to any person or business that has had any liquor license or permit revoked within the last three years.
- A minor may not be granted a temporary beer permit.
- If the applicant is a partnership, a minor may not be a partner or managing agent.
- If the applicant is corporation or limited liability company, a minor may not be a managing agent, officer, director or stockholder who holds at least 20% of the stock of a corporation or owns at least 20% of a limited liability company.

### Application Requirements:

- Written consent of the local governing authority (city, town, county), or a locally issued temporary permit must first be obtained.
- A \$75 permit fee.
- A cash or surety compliance bond in the amount of \$500.
- The commission may consider the general proximity of the event to educational, religious, and recreational facilities in determining whether to grant a permit.
- Applications must be made to and be on file with the department by the 10th of each month.
- The commission may consider the adequacy of control measures at outdoor public events or public events where estimated attendance exceeds 1000 to prevent the consumption of alcohol by minors or intoxicated persons.

### Purchases of Beer

- Temporary beer permit holders must purchase, acquire, possess for resale, or sell beer that has been lawfully purchased from:
  - A Utah beer wholesaler; or
  - A small brewer (manufactures less than 60,000 barrels per year); or
  - A licensed Utah beer retailer.

**Beer Sales:** Beer may be served in any size container not exceeding 2 liters and on draft. Beer may be sold by the pitcher (up to two liters) to two or more patrons, but may be sold to an individual patron only in a container that does not exceed one liter.

### Sales hours

- Beer may be sold on any day from 10 a.m. until 1 a.m.

- A local authority may be more restrictive regarding the hours of sale, service, or consumption of beer.

### **Employees**

- Any employee who sells, serves, dispenses, or handles beer must be twenty one years of age or older.
- Employees may not consume or be under the influence of alcoholic beverages while on duty.
- Employees that sell or serve beer do so under the direction and supervision of the temporary beer permit holder.

### **Discounting Practices Prohibited**

- Discounting practices are prohibited that encourage over-consumption of beer such as reduced prices for certain hours of the event (i.e. "happy hours"), "two for ones", free beer, or selling at less than cost.

### **Consumption on the Premises**

- An open container primarily used for drinking purposes and containing beer, may not be removed from the premises.

### **"Brown Bagging"**

- Attendees of an event may not bring any alcoholic beverages onto the premises of the event.

### **Advertising**

- Public advertising of the event *may* refer to the availability of beer at the event.
- Beer advertising must comply with the guidelines in Rule R81-1-17.

### **Prohibited Conduct**

- Lewd acts, attire, and sexually oriented conduct of employees and entertainers that are considered contrary to public welfare and morals are prohibited on the premises.

### **Gambling**

- A temporary beer permittee may not engage in or permit any form of gambling on the premises of the event.

# TITLE 32A - ALCOHOL BEVERAGE CONTROL ACT

(Updated through May 2007)

## Chapter 10 - Beer Retailer Licenses

### PART 3

#### TEMPORARY SPECIAL EVENT BEER PERMITS

##### **32A-10-301. COMMISSION'S POWER TO GRANT TEMPORARY SPECIAL EVENT BEER PERMITS -- LIMITATIONS.**

(1) Beginning May 5, 2003, before any person may sell beer at retail for on-premise consumption at a temporary special event that does not last longer than 30 days, the person shall first obtain:

(a) a temporary special event beer permit from the commission as provided in this part; and

(b)(i) a temporary special event beer permit issued by the local authority as provided in Section 32A-10-101; or

(ii) other written consent of the local authority to sell beer at retail for on-premise consumption at a temporary special event.

(2) The commission may issue a temporary special event beer permit for the purpose of allowing the sale of beer for on-premise consumption at a temporary special event that does not last longer than 30 days.

(3)(a) The temporary special event beer permit shall authorize, for a period not to exceed 30 days, the storage, sale, service, and consumption of beer at the temporary special event.

(b) The sale of beer under a series of permits issued to the same person may not exceed a total of 90 days in any one calendar year.

(c) A temporary special event beer permit may not be issued or obtained for the purpose of avoiding or attempting to avoid the requirement of state licensing under Part 2, On-Premise Beer Retailer License.

(4)(a) The 600 foot and 200 foot proximity limitations to educational, religious, and recreational facilities that are applicable to state stores, package agencies, and licensees, do not apply to a temporary special event beer permit.

(b) Notwithstanding Subsection (4)(a), nothing in this section prevents the commission from considering the proximity of any educational, religious, or recreational facility, or any other relevant factor in deciding whether to grant a temporary special event beer permit.

##### **32A-10-302. APPLICATION REQUIREMENTS.**

(1)(a) A person seeking a temporary special event beer permit shall file a written application with the department in a form prescribed by the department.

(b) The application required by this section shall be accompanied by:

(i) a permit fee of \$75, which:

(A) is refundable if a permit is not granted; and

(B) shall be returned to the applicant with the application if the permit is not granted;

(ii)(A) written consent of the local authority; or

(B) a temporary permit granted by the local authority under Section 32A-10-101;

(iii) a bond as specified by Section 32A-10-305;

(iv) the times, dates, location, estimated attendance, nature, and purpose of the temporary special event;

(v) a description or floor plan designating:

(A) the area in which the applicant proposes that beer be stored;

(B) the site from which the applicant proposes that beer be sold or served; and

(C) the area in which the applicant proposes that beer be allowed to be consumed;

(vi) a statement of the purpose of the temporary special event;

(vii) a signed consent form stating that authorized representatives of the commission, department, or any law enforcement officers will have unrestricted right to enter the premises during the temporary special event;

(viii) in the case of an applicant that is a partnership, corporation, or limited liability company, proper verification evidencing that the person or persons signing the application are authorized to so act on behalf of the partnership, corporation, or limited liability company; and

(ix) any other information the commission or department may require.

(2) An applicant need not meet the requirements of Subsection (1)(b)(i), (ii), or (iii) if the applicant is:

- (a) a state agency; or
- (b) a political subdivision of the state including:
  - (i) a county; or
  - (ii) a municipality.

### **32A-10-303. Qualifications.**

(1) (a) The commission may not grant a temporary special event beer permit to any person who has been convicted of:

- (i) a felony under any federal or state law;
- (ii) any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages;
- (iii) any crime involving moral turpitude; or
- (iv) on two or more occasions within the five years before the day on which the permit is granted, driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug.

(b) In the case of a partnership, corporation, or limited liability company, the proscription under Subsection (1)(a) applies if any of the following has been convicted of an offense described in Subsection (1)(a):

- (i) a partner;
- (ii) a managing agent;
- (iii) a manager;
- (iv) an officer;
- (v) a director;
- (vi) a stockholder who holds at least 20% of the total issued and outstanding stock of the applicant corporation; or
- (vii) a member who owns at least 20% of the applicant limited liability company.

(c) The proscription under Subsection (1)(a) applies if any person employed to act in a supervisory or managerial capacity for the temporary special event beer permittee has been convicted of any offense as provided in Subsection (1)(a).

(2) The commission may immediately suspend or revoke a temporary special event permit if after the day on which the permit is granted, a person described in Subsection (1)(a), (b), or (c):

(a) is found to have been convicted of any offense described in Subsection (1)(a) prior to the permit being granted; or

(b) on or after the day on which the permit is granted:

- (i) is convicted of an offense described in Subsection (1)(a)(i), (ii), or (iii); or
- (ii) (A) is convicted of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug; and

(B) was convicted of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug within five years before the day on which the person is convicted of the offense described in Subsection (2)(b)(ii)(A).

(3) The director may take emergency action by immediately revoking the temporary special event permit according to the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, if a person described in Subsection (1)(a), (b), or (c):

(a) is arrested on a charge for an offense described in Subsection (1)(a)(i), (ii), or (iii); or

(b) (i) is arrested on a charge for the offense of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug; and

(ii) was convicted of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug within five years before the day on which the person is arrested on a charge described in Subsection (3)(b)(i).

(4) (a) (i) The commission may not grant a temporary special event beer permit to any person who has had any type of license, agency, or permit issued under this title revoked within the last three years.

(ii) The commission may not grant a temporary special event permit to an applicant that is a partnership, corporation, or limited liability company if any partner, managing agent, manager, officer, director, stockholder who holds at least 20% of the total issued and outstanding stock of an applicant

corporation, or member who owns at least 20% of an applicant limited liability company is or was:

(A) a partner or managing agent of any partnership that had any type of license, agency, or permit issued under this title revoked within the last three years;

(B) a managing agent, officer, director, or stockholder who holds or held at least 20% of the total issued and outstanding stock of any corporation that had any type of license, agency, or permit issued under this title revoked within the last three years; or

(C) a manager or member who owns or owned at least 20% of any limited liability company that had any type of license, agency, or permit issued under this title revoked within the last three years.

(b) An applicant that is a partnership, corporation, or limited liability company may not be granted a temporary special event permit if any of the following had any type of license, agency, or permit issued under this title revoked while acting in their individual capacity within the last three years:

(i) any partner or managing agent of the applicant partnership;

(ii) any managing agent, officer, director, or stockholder who holds at least 20% of the total issued and outstanding stock of the applicant corporation; or

(iii) any manager or member who owns at least 20% of the applicant limited liability company.

(c) A person acting in an individual capacity may not be granted a temporary special event permit if that person was:

(i) a partner or managing agent of a partnership that had any type of license, agency, or permit issued under this title revoked within the last three years;

(ii) a managing agent, officer, director, or stockholder who held at least 20% of the total issued and outstanding stock of a corporation that had any type of license, agency, or permit issued under this title revoked within the last three years; or

(iii) a manager or member who owned at least 20% of the limited liability company that had any type of license, agency, or permit issued under this title revoked within the last three years.

(5) (a) A minor may not be:

(i) granted a temporary special event permit; or

(ii) employed by a temporary special event permittee to handle alcoholic beverages.

(b) The commission may not grant a temporary special event permit to an applicant that is a partnership, corporation, or limited liability company if any of the following is a minor:

(i) a partner or managing agent of the applicant partnership;

(ii) a managing agent, officer, director, or stockholder who holds at least 20% of the total issued and outstanding stock of the applicant corporation; or

(iii) a manager or member who owns at least 20% of the applicant limited liability company.

(6) If any person to whom a permit has been issued under this part no longer possesses the qualifications required by this title for obtaining that permit, the commission may suspend or revoke that permit.

### **32A-10-304. COMMISSION AND DEPARTMENT DUTIES BEFORE GRANTING PERMITS.**

(1)(a) Before any temporary special event beer permit may be granted by the commission, the department shall:

(i) conduct an investigation;

(ii) gather information; and

(iii) make recommendations to the commission as to whether or not a permit should be granted.

(b) The department shall forward the information and recommendations described in Subsection

(1)(a) to the commission to aid in the commission's determination.

(2) Before granting any temporary special event beer permit, the commission shall:

(a) determine that the applicant has complied with all basic qualifications and requirements as provided by Sections 32A-10-302 and 32A-10-303;

(b) determine that the application is complete;

(c) consider the times, dates, location, estimated attendance, nature, and purpose of the temporary special event;

(d) to minimize the risk of minors being sold or furnished alcohol or adults being overserved alcohol at the temporary special event, assess the adequacy of control measures for:

(i) a large-scale public event where the estimated attendance is in excess of 1,000 people; or

(ii) an outdoor public event; and

(e) consider any other factors or circumstances the commission considers necessary.

(3) Upon commission approval of any application and upon the granting of a temporary special event beer permit, the department shall send copies of the approved application and the permit to state and local law enforcement authorities before the scheduled event.

### **32A-10-305. BOND.**

(1) Any applicant for a temporary special event beer permit shall post a cash or corporate surety bond in the penal sum of \$500 payable to the department, which the applicant has procured and must maintain for so long as the permit is in effect.

(2) The bond shall be in a form approved by the attorney general, conditioned upon the permittee's faithful compliance with this title and the rules of the commission.

(3)(a) No part of any cash or corporate bond so posted may be withdrawn during the period the permit is in effect.

(b) A bond filed by the permittee may be forfeited if the permit is revoked.

### **32A-10-306. Operational restrictions.**

(1) (a) A person granted a temporary special event beer permit and any person involved in the storage, sale, or service of beer at the event for which a temporary special event the permit is issued, shall abide by this title, the rules of the commission, and the special conditions and requirements provided in this section.

(b) Failure to comply as provided in Subsection (1)(a):

(i) may result in:

(A) an immediate revocation of the permit;

(B) forfeiture of the surety bond; and

(C) immediate seizure of all beer present at the event; and

(ii) disqualifies the organization from applying for a temporary special event beer permit under this part or a single event permit under Chapter 7, Single Event Permits, for a period of three years from the date of revocation of the temporary special event permit.

(c) Beer seized under this Subsection (1) shall be returned to the organization after the event if forfeiture proceedings are not instituted under Section **32A-13-103**.

(2) Special conditions and requirements for temporary special event beer permittees include the following:

(a) (i) A person involved in the storage, sale, or service of beer at the temporary special event is considered to be under the supervision and direction of the permittee.

(ii) A person involved in the sale or service of beer at the temporary special event may not, while on duty:

(A) consume an alcoholic beverage; or

(B) be intoxicated.

(b) (i) A permittee shall purchase beer stored, sold, served, and consumed at the temporary special event from a licensed beer wholesaler or retailer.

(ii) Beer is considered under the control of the permittee during the temporary special event.

(iii) An attendee of the temporary special event may not bring an alcoholic beverage onto the premises of the temporary special event.

(c) A permittee shall post in a prominent place in the area in which beer is being sold, served, and consumed:

(i) a copy of the permit; and

(ii) a list of the operational restrictions and requirements of temporary special event beer permittees set forth in this section.

(d) Beer purchased for a temporary special event may not be stored, sold, served, or consumed in a location other than that described in the application and designated on the temporary special event permit unless the permittee first applies for and receives approval from the commission for a change of location.

(e) (i) Subject to Subsection (2)(e)(ii), beer may be sold for on-premise consumption:

(A) in an open container; and

(B) on draft.

(ii) Beer sold pursuant to Subsection (2)(e)(i) shall be in a size of container that does not exceed two liters, except that beer may not be sold to an individual attendee in a size of container that exceeds one

liter.

(f) (i) Beer may not be sold, offered for sale, served, otherwise furnished, or consumed between the hours of 1 a.m. and 10 a.m.

(ii) This Subsection (2)(f) does not preclude a local authority from being more restrictive with respect to the hours of sale, service, or consumption of beer at a temporary special event.

(g) Beer may not be sold, served, or otherwise furnished to a:

(i) minor;

(ii) person actually, apparently, or obviously intoxicated;

(iii) known habitual drunkard; or

(iv) known interdicted person.

(h) (i) Beer may not be sold at less than the cost of the beer to the permittee.

(ii) Beer may not be sold at a price that encourages over consumption or intoxication.

(iii) Beer may not be sold at a special or reduced price for only certain hours of the day of the permitted event.

(iv) More than one beer beverage may not be sold or served for the price of a single beer beverage.

(v) The permittee may not engage in a public promotion involving or offering free beer to the general public.

(i) The permittee and its employees may not permit an attendee to carry from the premises an open container that:

(i) is used for drinking purposes; and

(ii) contains an alcoholic beverage.

(j) A minor may not sell, serve, dispense, or handle any beer at a temporary special event.

(3) The permittee shall maintain an expense and revenue ledger or record showing:

(a) expenditures made for beer; and

(b) the revenue from sale of beer.

(4) A temporary special event beer permit may not be transferred.

(5) A temporary special event beer permittee may not on the premises serviced by the permittee:

(a) engage in or allow any form of gambling, as defined and proscribed in Title 76, Chapter 10, Part 11, Gambling;

(b) have any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11, Gambling; or

(c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

(6) A temporary special event beer permittee or an employee of the temporary special event beer permittee may not knowingly allow a person at an event to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug Paraphernalia Act:

(a) sell, distribute, possess, or use a controlled substance, as defined in Section **58-37-2**; or

(b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in Section **58-37a-**

**3.**



**TITLE 32A - ALCOHOLIC BEVERAGE CONTROL ACT**  
*(Updated through May 2008)*

**PART 6**  
**ATTIRE, CONDUCT, AND ENTERTAINMENT ACT**

**32A-1-601. TITLE -- PURPOSE -- APPLICATION TO OTHER LAWS.**

- (1) This part is known as the "Attire, Conduct, and Entertainment Act."
- (2) This part establishes reasonable and uniform time, place, and manner of operation restrictions relating to attire, conduct, and sexually oriented entertainers on a premises or at an event at which alcoholic beverages are sold, served, or allowed to be consumed under a retail license or permit issued by the commission so as to:
  - (a) reduce the adverse secondary effects that the attire, conduct, and sexually oriented entertainers may have upon communities of this state; and
  - (b) protect the health, peace, safety, welfare, and morals of the residents of communities of this state.
- (3) Nothing in this part permits or allows the showing or display of any matter that is contrary to:
  - (a) applicable federal or state statutes prohibiting obscenity; or
  - (b) state statutes relating to lewdness or indecent public displays.
- (4) A local authority may be more restrictive of attire, conduct, or sexually oriented entertainers of the type prohibited in this part.

**32A-1-602. GENERAL RESTRICTIONS ON ATTIRE AND CONDUCT.**

The following attire and conduct on a premises or at an event regulated by the commission under this title are considered contrary to the public health, peace, safety, welfare, and morals, and are prohibited:

- (1) employing or using a person in the sale or service of alcoholic beverages while the person is in:
  - (a) a state of nudity;
  - (b) a state of seminudity; or
  - (c) attire, costume, or clothing that exposes to view any portion of:
    - (i) the female breast below the top of the areola; or
    - (ii) the cleft of the buttocks;
- (2) employing or using the services of a person to mingle with patrons while the person is in:
  - (a) a state of nudity;
  - (b) a state of seminudity; or
  - (c) attire, costume, or clothing that exposes to view any portion of:
    - (i) the female breast below the top of the areola; or
    - (ii) the cleft of the buttocks;
- (3) encouraging or permitting a person to:
  - (a) engage in or simulate an act of:
    - (i) sexual intercourse;
    - (ii) masturbation;
    - (iii) sodomy;
    - (iv) bestiality;
    - (v) oral copulation;
    - (vi) flagellation; or
    - (vii) a sexual act that is prohibited by Utah law; or
  - (b) touch, caress, or fondle the breast, buttocks, anus, or genitals of any other person;
- (4) permitting a person to wear or use a device or covering that:
  - (a) is exposed to view; and
  - (b) simulates all or any portion of the human genitals, anus, pubic area, or female breast;
- (5) permitting a person to use an artificial device or inanimate object to depict an act prohibited by this section;
- (6) permitting a person to remain on a premises or at an event who exposes to public view any portion of that person's:

- (a) genitals, pubic area, or anus; or
- (b) in the case of a female, the areola and nipple of the breast; or
- (7) showing a film, still picture, electronic reproduction, or other visual reproduction depicting:
  - (a) an act or simulated act of:
    - (i) sexual intercourse;
    - (ii) masturbation;
    - (iii) sodomy;
    - (iv) bestiality;
    - (v) oral copulation;
    - (vi) flagellation; or
    - (vii) a sexual act that is prohibited by Utah law;
  - (b) a person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals;
  - (c) a scene wherein an artificial device or inanimate object is employed to depict, or a drawing is employed to portray, an act prohibited by this section; or
  - (d) a scene wherein a person displays the genitals or anus.

**32A-1-603. Sexually oriented entertainer.**

- (1) Subject to the restrictions of this section, live entertainment is permitted on a premises or at an event regulated by the commission.
- (2) Notwithstanding Subsection (1), a licensee or permittee may not permit a person to:
  - (a) appear or perform in a state of nudity;
  - (b) perform or simulate an act of:
    - (i) sexual intercourse;
    - (ii) masturbation;
    - (iii) sodomy;
    - (iv) bestiality;
    - (v) oral copulation;
    - (vi) flagellation; or
    - (v) a sexual act that is prohibited by Utah law; or
  - (c) touch, caress, or fondle the breast, buttocks, anus, or genitals.
- (3) A sexually oriented entertainer may perform in a state of seminudity:
  - (a) only in a tavern or class D private club; and
  - (b) only if:
    - (i) all windows, doors, and other apertures to the premises are darkened or otherwise constructed to prevent anyone outside the premises from seeing the performance; and
    - (ii) the outside entrance doors of the premises remain unlocked.
- (4) A sexually oriented entertainer may perform only upon a stage or in a designated performance area that is:
  - (a) approved by the commission in accordance with rules made by the commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (b) configured so as to preclude a patron from:
    - (i) touching the sexually oriented entertainer; or
    - (ii) placing any money or object on or within the costume or the person of the sexually oriented entertainer; and
  - (c) configured so as to preclude the sexually oriented entertainer from touching a patron.
- (5) A sexually oriented entertainer may not touch a patron:
  - (a) during the sexually oriented entertainer's performance; or
  - (b) while the sexually oriented entertainer is dressed in performance attire or costume.
- (6) A sexually oriented entertainer, while in the portion of the premises used by patrons, must be dressed in opaque clothing which covers and conceals the sexually oriented entertainer's performance attire or costume from the top of the breast to the knee.
- (7) A patron may not be on the stage or in the performance area while a sexually oriented entertainer is appearing or performing on the stage or in the performance area.
- (8) A patron may not:
  - (a) touch a sexually oriented entertainer:

- (i) during the sexually oriented entertainer's performance; or
- (ii) while the sexually oriented entertainer is dressed in performance attire or costume; or
- (b) place money or any other object on or within the costume or the person of the sexually oriented entertainer.

(9) A minor may not be on a premises described in Subsection (3) when a sexually oriented entertainer is performing on the premises.

(10) A person who appears or performs for the entertainment of patrons on a premises or at an event regulated by the commission that is not a tavern or class D private club:

- (a) may not appear or perform in a state of nudity or a state of seminudity; and
- (b) may appear or perform in opaque clothing that completely covers the person's genitals, pubic area, and anus if the covering:
  - (i) is not less than the following at its widest point:
    - (A) four inches coverage width in the front of the human body; and
    - (B) five inches coverage width in the back of the human body;
  - (ii) does not taper to less than one inch wide at the narrowest point; and
  - (iii) if covering a female, completely covers the breast below the top of the areola.

**32A-1-604. COMPLIANCE -- DISCIPLINARY PROCEEDING.**

(1) Each person granted a license or permit by the commission to sell, serve, or allow consumption of alcoholic beverages on a premises or at an event and each officer, employee, or agent of the licensee or permittee shall comply with the conditions and requirements of this part.

(2) Failure to comply with this part may result in a disciplinary proceeding pursuant to Section 32A-1-119 against:

- (a) a licensee or permittee; and
- (b) an officer, employee, or agent of the licensee or permittee.

**R81-1. Alcoholic Beverage Control, Administration.**

**R81-10B. Temporary Special Event Beer Permits.**

**R81-10B-1. Application Guidelines.**

(1) A temporary special event beer permit application shall be included in the agenda of the monthly commission meeting for consideration for issuance of the permit, when the requirements of 32A-10-302, -303, and -305 have been met, and a completed application has been received by the department.

(2) The sale of beer under a series of permits issued to the same person may not exceed a total of 90 days in any one calendar year. "Calendar year" means January 1 through December 31.

(3)(a) The temporary special event permit bond, as required by Section 32A-10-305, shall not be released back to the permittee sooner than 30 days following the event.

(b) If an organization or individual other than the one applying for the permit posts the bond, an affidavit must be submitted attesting that the bond is for the permittee's compliance with the provisions of the Act and the commission rules, and that if a violation occurs at the event, the bond may be forfeited.

(4) The commission may authorize multiple sales outlets on different properties under one temporary special event beer permit, provided that each site conforms to location requirements of Section 32A-10-301. The commission may authorize simultaneous sale and consumption hours at multiple sales outlets.

**R81-10B-2. Guidelines for issuing permits for outdoor or large -scale public events.**

(1) Purpose. The sale of alcohol at outdoor public events such as street festivals, fairs, concerts, and rodeos poses special control issues for event organizers and law enforcement officials.

Furthermore, the sale of beer at public events attended by large numbers of people, many of whom may be under the age of 21, also poses special control issues. In deciding whether to issue a temporary special event beer permit for such events, the commission must be satisfied that sufficient controls will be in place to minimize the possibility of minors being sold or furnished beer or adults being over-served beer at the event. This rule identifies control measures that must be in place before the commission will issue a temporary special event beer permit for an outdoor or a large-scale public event. However, this rule gives the commission discretion not to require specific control measures under certain circumstances after considering the facts and circumstances of a particular event.

(2) Definitions.

(a) For purposes of this rule, "large-scale public event" includes any event that is open to the general public and the estimated attendance at the event is in excess of 1000 people.

(3) Authority. This rule is enacted under the authority of Sections 63-46A-3, 32A-1-107 and 32A-10-301 and -304.

(4) Policy.

(a) Before a temporary special event beer permit will be issued by the commission to allow the sale of beer at an outdoor or a large-scale public event, the following control measures must be present at the event:

(i) There must be at least one location at the event where those wanting to purchase beer must show proof of age and either have their hand stamped or be issued a non-transferable wristband.

(A) The proof of age location(s) shall be separate from the beer sales and dispensing location(s).

(B) Proof of age may be established by

(I) a current valid driver's license that includes date of birth and has a picture affixed and is issued in this state under Title 53, Chapter 3, Uniform Driver License Act, or in accordance with the laws of another state;

(II) a current valid identification card that includes date of birth and has a picture affixed issued by this state under Title 53, Chapter 3, Part 8, identification Card Act, or issued by another state that is substantially similar to this state's identification card;

(III) a current valid military identification that includes date of birth and has a picture affixed; or

(IV) a current valid passport.

(C) Any person assigned to check proof of age shall have completed the alcohol server-training seminar outlined in 63A-15-401.

(D) The use of hand stamps or issuance of wristbands does not relieve those selling and dispensing beer from asking for proof of age if they suspect a person attempting to purchase beer is

under the age of 21 years.

(ii) Beer sales and dispensing location(s) shall be separate from food and non-alcoholic beverage concession locations. However, if the consumption of beer at the event is limited to a confined, restricted area such as a "beer garden", then beer, food and non-alcoholic beverages may be sold at the same sales locations within the confined, restricted area.

(iii) Beer shall be served in readily identifiable cups or containers distinct from those used for non-alcoholic beverages.

(iv) No more than two beers shall be sold to a customer at a time.

(v) At least one person who has completed the alcohol server training seminar outlined in 62A-15-401 shall be at each location where beer is sold and dispensed to supervise the sale and dispensing of beer.

(vi) If minors may attend the event, all dispensing and consumption of beer shall be in a designated, confined, and restricted area where minors are not allowed without being accompanied by a parent or guardian, and where beer consumption may be closely monitored.

(b) Notwithstanding Subsection (a), the commission, after reviewing the facts and circumstances of a particular outdoor or large-scale public event, may in its discretion relax any of the control measures outlined in Subsection (a) above.

(c) After reviewing the facts and circumstances of the outdoor or large-scale public event, the commission may in its discretion require additional control measures as a condition of issuing a temporary special event beer permit. These can include but are not limited to the following:

(i) Requiring that beer products be distinguishable in appearance from non-alcoholic beverages.

(ii) Requiring a certain minimum number of law enforcement and/or security personnel at the event.

(5) Procedure. The following procedure shall govern applications for temporary special event beer permits for outdoor or large-scale public events:

(a) In addition to providing a description of the times, dates, location, nature and purpose of the event, the applicant shall include in the permit application a summary of all control measures that will be taken at the event to reduce the possibility of minors being furnished beer and adults being over-served beer at the event.

(b) Department staff shall provide this information to the commissioners prior to the commission's consideration of the permit application.

(c) The commission shall review the application to determine if all statutory requirements are in place, to determine if all controls listed in Subsections (4)(a)(i) through (vi) are in place, to consider any request to waive any of the controls listed in Subsections (4)(a)(i) through (vi), and to assess whether any additional control measures such as those listed in Subsection (4)(c) should be required prior to issuing the permit.

### **R81-10B-3. Price Lists.**

(1) A temporary special event beer event permittee shall have a printed price list or menu available for inspection containing beer prices.

(2) The permittee or an employee of the licensee may not misrepresent the price of any alcoholic beverage that is sold or offered for sale on the event premises.

**KEY: alcoholic beverages**  
**August 1, 2003**

**32A-1-107**